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THE SITUATION IN BOSNIA AND HERZEGOVINA

Afghanistan, Albania, Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Comoros, Costa Rica, Croatia, Djibouti, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Malaysia, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sudan, Tajikistan, Tunisia, Turkey, United Arab Emirates and Yemen: draft resolution

The General Assembly,

Having considered the item entitled "The situation in Bosnia and Herzegovina",

Taking note of the report of the Secretary-General, 1/

Reaffirming its resolution 46/242 of 25 August 1992,

Recalling all the resolutions adopted by the Security Council regarding the Republic of Bosnia and Herzegovina, and other parts of the former Yugoslavia,

Appreciating all the ongoing international efforts to restore peace in the Republic of Bosnia and Herzegovina, particularly those being pursued by the United Nations, the European Community, the International Conference on the Former Yugoslavia, the Conference on Security and Cooperation in Europe and the Organization of the Islamic Conference,

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1/ A/47/747.

Commending the untiring efforts and bravery of the United Nations Protection Force in securing relief operations in the Republic of Bosnia and Herzegovina, as well as the efforts of the Office of the United Nations High Commissioner for Refugees and other relief and humanitarian agencies, and expressing its condemnation of the recent attacks on the United Nations Protection Force in Sarajevo by Serbian forces resulting in loss of life and injuries to some of its personnel,

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia dated 6 November 1992, 2/ in which he stated, inter alia, that "ethnic cleansing" did not appear to be the consequence of the war, but rather its goal,

Taking note also of the report of the Special Rapporteur dated 17 November 1992, 3/ in which he stated, inter alia, that another factor which had contributed to the intensity of "ethnic cleansing" in areas under Serbian control was the marked imbalance between the weaponry in the hands of the Serbian and the Muslim population of Bosnia and Herzegovina,

Gravely concerned about the deterioration of the situation in the Republic of Bosnia and Herzegovina owing to intensified acts of aggression by the Serbian and Montenegrin forces to acquire more territories by force, characterized by a consistent pattern of gross and systematic violations of human rights, a burgeoning refugee population resulting from mass expulsions of defenceless civilians from their homes and the existence in Serbian and Montenegrin controlled areas of concentration camps and detention centres, in pursuit of the abhorrent policy of "ethnic cleansing", which is a form of genocide,

Strongly condemning Serbia and Montenegro and their surrogates in the Republic of Bosnia and Herzegovina for their continued non-compliance with all relevant United Nations resolutions,

Deeply regretting that the sanctions imposed by the Security Council have not had the desired effect of halting the acts of aggression by Serbian and Montenegrin irregular forces and the direct and indirect support of the Yugoslav People's Army for the acts of aggression in the Republic of Bosnia and Herzegovina,

Recalling that the Government of the Republic of Bosnia and Herzegovina has accepted the constitutional principles proposed by the Co-Chairman of the International Conference on the Former Yugoslavia,

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2/ A/47/635-S/24766, annex.

3/ A/47/666-S/24809, annex.

Convinced that the situation in the Republic of Bosnia and Herzegovina warrants the implementation of decisive actions under Chapter VII of the Charter of the United Nations to oblige Serbia and Montenegro and their surrogates in the Republic of Bosnia and Herzegovina to comply with the relevant Security Council resolutions,

Reaffirming the principle of inadmissibility of the acquisition of territory by force and the right of all Bosnian refugees to return to their homes in conditions of safety and honour,

Reaffirming also that the Republic of Bosnia and Herzegovina has the inherent right to individual or collective self-defence in accordance with Chapter VII, Article 51, of the Charter of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security,

Determined to restore peace in the Republic of Bosnia and Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity,

1. Reaffirms its support for the Government and people of the Republic of Bosnia and Herzegovina in their just struggle to safeguard their sovereignty, political independence, territorial integrity and unity;

2. Strongly condemns Serbia, Montenegro and Serbian forces in the Republic of Bosnia and Herzegovina for violation of the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina, and their non-compliance with existing resolutions of the Security Council and the General Assembly, as well as the London Peace Accords of 25 August 1992;

3. Demands that Serbia and Montenegro and Serbian forces in the Republic of Bosnia and Herzegovina immediately cease their acts of aggression and hostility and comply fully and unconditionally with the relevant resolutions of the Security Council, in particular resolutions 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 770 (1992) and 771 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, and 787 (1992) of 16 November 1992, General Assembly resolution 46/242 and the London Peace Accords of 25 August 1992;

4. Demands that, in accordance with Security Council resolution 752 (1992), all elements of the Yugoslav People's Army still in the territory of the Republic of Bosnia and Herzegovina must be withdrawn immediately, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective United Nations control;

5. Demands also that, in accordance with Security Council resolution 752 (1992), all elements of the Croatian Army that may be in the Republic of Bosnia and Herzegovina and that are already not operating in accord with the authority of the Government of the Republic of Bosnia and Herzegovina must be withdrawn immediately, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective United Nations control;

6. Supports the consideration by the Security Council of the immediate enforcement of resolution 781 (1992) banning all military flights over the Republic of Bosnia and Herzegovina;

7. Urges the Security Council, within its responsibility to maintain international peace and security, to again call upon the Serbian and Montenegrin forces to comply with all relevant resolutions and to bring to an end the acts of aggression against the Republic of Bosnia and Herzegovina, to implement and enforce all existing resolutions with respect to the Republic of Bosnia and Herzegovina and the former Yugoslavia and, specifically, to consider the following measures, on an urgent basis, but no later than 15 January 1993:

(a) In the event that Serbian and Montenegrin forces fail to comply fully with all relevant resolutions of the Security Council, under the provisions of Chapter VII of the Charter, to authorize Member States, in cooperation with the Government of the Republic of Bosnia and Herzegovina, to use all necessary means to uphold and restore the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina;

(b) To exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991);

8. Also urges the Security Council to consider taking measures to open more airports/airfields for international humanitarian relief flights, to pursue emergency airdrops as a stop-gap measure and to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes;

9. Further urges the Security Council to consider what resources may be required to improve the implementation of all relevant resolutions, and calls upon Member States to notify the Secretary-General regarding the availability of personnel and matériel to assist and facilitate in this effort;

10. Urges the Security Council to consider recommending the establishment of an ad hoc international war crimes tribunal to try and punish those who have committed war crimes in the Republic of Bosnia and Herzegovina when sufficient information has been provided by the Commission of Experts established by Security Council resolution 780 (1992);

11. Requests the Co-Chairmen of the International Conference on the former Yugoslavia to conclude expeditiously the work of the Working Group on the Republic of Bosnia and Herzegovina, to report on the reasons for the lack of progress and to submit proposals to overcome obstacles in the fulfilment of their mandate by 18 January 1993;

12. Requests the Secretary-General to report to the General Assembly by 18 January 1993 on the implementation of the present resolution;

13. Decides to remain seized of the matter and to continue the consideration of this item.